

City Council  
Atlanta, Georgia

03-0-0424

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-03-07  
6-12-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **24-28-36-38-40 Daniel Street, S.E.** be changed from the **R-5 (Two-Family Residential)** District, to the **RG-3-C (Residential-General-Sector 3-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **45** of the **14<sup>th</sup>** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

OCT 06, 2003  
OCT 14, 2003



### Conditions for Z-03-07

1. Site plan entitled "A New Site Plan for: Edgewood Condominium, LLC, 24, 28, 36, 40 Daniel Street, Atlanta, GA 30312" dated May 8, 2003 last revised May 13, 2003 and marked received by the Bureau of Planning May 14, 2003.



## Property Description

*Applicant to provide consolidated  
legal description & survey as  
soon as possible*

*Sam Ward*

Surveys are in process, legal descriptions are below.

### Building 24:

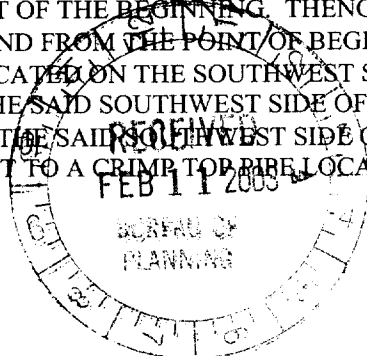
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 45 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: TO REACH THE POINT OF BEGINNING START AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF EDGEWOOD AVENUE AND THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET; THENCE RUNNING SOUTHEASTERLY ALONG THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 156.70 FEET TO A REBAR LOCATED ON THE SOUTH SIDE OF A 10' ALLEY (SOMETIMES CALLED WALKERS' ALLEY) (SAID REBAR BEING THE POINT OF BEGINNING). THENCE LEAVING THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET AND FROM THE POINT OF BEGINNING RUNNING S87°45'46"E ALONG THE SAID SOUTH SIDE OF A 10' ALLEY (SOMETIMES CALLED WALKERS' ALLEY) A DISTANCE OF 183.40 FEET TO A CRIMP TOP PIPE LOCATED ON THE SOUTHWEST SIDE OF A 10' ALLEY (NOT OPEN); THENCE RUNNING S09° 15'20"E ALONG THE SAID SOUTHWEST SIDE OF THE 10' ALLEY A DISTANCE OF 84.07 FEET TO A POINT; THENCE LEAVING THE SAID SOUTHWEST SIDE OF THE 10' ALLEY AND RUNNING N88° 12'19"W A DISTANCE OF 166.96 FEET TO A POINT LOCATED ON THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET; THENCE RUNNING N19°23'56"W ALONG THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 90.02 FEET TO A REBAR AND THE POINT OF BEGINNING. SAID TRACT OR PARCEL CONTAINING 0.33 ACRES OR 14,562 SQUARE FEET AND BEING KNOWN AS #24 DANIEL STREET ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN ATLANTA, GEORGIA 30312.

### Building 28:

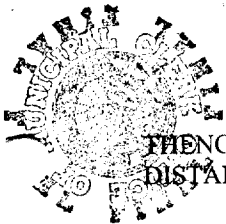
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 45 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: TO REACH THE POINT OF BEGINNING, START AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF EDGEWOOD AVENUE AND THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET; THENCE RUNNING SOUTHEASTERLY ALONG THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 246.72 FEET TO A POINT AND THE POINT OF BEGINNING. THENCE LEAVING THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET AND FROM THE POINT OF BEGINNING RUNNING SOUTH 88 DEGREES 12 MINUTES 19 SECONDS EAST A DISTANCE OF 166.96 FEET TO A POINT LOCATED ON THE SOUTHWEST SIDE OF A 10' ALLEY (NOT OPEN); THENCE RUNNING SOUTH 09 DEGREES 15 MINUTES 20 SECONDS EAST ALONG THE SOUTHWEST SIDE OF SAID 10' ALLEY A DISTANCE OF 46.42 FEET TO A POINT; THENCE LEAVING THE SAID SOUTHWEST SIDE OF THE 10' ALLEY AND RUNNING NORTH 88 DEGREES 12 MINUTES 19 SECONDS WEST DISTANCE OF 158.20 FEET TO A POINT LOCATED ON THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET; THENCE RUNNING NORTH 19 DEGREES 23 MINUTES 56 SECONDS WEST ALONG THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 48.86 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 0.17 ACRES OR 7,406 SQUARE FEET AND BEING KNOWN AS #28 DANIEL ST., ATLANTA, GA 30312.

### Building 36:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 45 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: TO REACH THE POINT OF BEGINNING START AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF EDGEWOOD AVENUE AND THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET; THENCE RUNNING SOUTHEASTERLY ALONG THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 295.58 FEET TO A POINT AND THE POINT OF THE BEGINNING. THENCE LEAVING THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET AND FROM THE POINT OF BEGINNING RUNNING S88°12'19"E A DISTANCE OF 158.20 FEET TO A POINT LOCATED ON THE SOUTHWEST SIDE OF A 10' ALLEY (NOT OPEN); THENCE RUNNING S09° 15'20"E ALONG THE SAID SOUTHWEST SIDE OF THE 10' ALLEY A DISTANCE OF 51.11 FEET TO A POINT; THENCE LEAVING THE SAID SOUTHWEST SIDE OF THE 10' ALLEY AND RUNNING N88° 14'52"W A DISTANCE OF 148.50 FEET TO A CRIMP TOP PIPE LOCATED ON THE NORTHEAST RIGHT-OF-WAY OF DANIEL STREET;



2-03-07



THENCE RUNNING N19°23'56"W ALONG THE SAID NORTHEAST RIGHT-OF-WAY OF DANIEL STREET A DISTANCE OF 53.92 FEET TO A POINT AND THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 0.18 ACRES OR 7,702 SQUARE FEET AND BEING KNOWN AS #36 DANIEL STREET ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN ATLANTA, GEORGIA 30312.

~~Building~~ <sup>284</sup> 40:

BEGINNING AT AN CRIMP TOP PIPE FOUND ON THE EASTERLY SIDE OF DANIEL STREET, 349.5 FEET FROM THE INTERSECTION OF THE SOUTHERLY SIDE OF EDGEWOOD AVENUE AND THE EASTERLY SIDE OF DANIEL STREET, AS MEASURED IN A SOUTHERLY DIRECTION ALONG THE EASTERLY SIDE OF DANIEL STREET; RUNNING THENCE SOUTH 88 DEGREES, 14 MINUTES EAST A DISTANCE OF 148.50 FEET TO A POINT ON THE WESTERLY SIDE OF A 10 FOOT ALLEY; RUNNING THENCE SOUTH 10 DEGREES, 4 MINUTES, 41 SECONDS EAST A DISTANCE OF 65.75 FEET TO A POINT IN SAID ALLEY; RUNNING THENCE SOUTH 89 DEGREES, 3 MINUTES WEST A DISTANCE OF 134.46 FEET TO AN IRON PIN ON THE EASTERLY SIDE OF DANIEL STREET; RUNNING THENCE ALONG THE EASTERLY SIDE OF DANIEL STREET NORTH 19 DEGREES, 37 MINUTES, 44 SECOND WEST A DISTANCE OF 75.91 FEET TO A CRIMP TOP PIPE, WHICH CRIMP TOP PIPE IS THE POINT OF BEGINNING, BEING PROPERTY KNOWN AS 40 DANIEL STREET, ATLANTA.

BEING THE SAME PROPERTY DESCRIBED IN DEED DATED JANUARY 14, 1997, RECORDED IN DEED BOOK 22043, PAGE 328, FULTON COUNTY, GEORGIA RECORDS AND DEED DATED MAY 13, 1998, RECORDED IN DEED BOOK 27039, PAGE 31, FULTON COUNTY, GEORGIA RECORDS AND DEED DATED SEPTEMBER 30, 1999, RECORDED IN DEED BOOK 27792, PAGE 182, FULTON COUNTY, GEORGIA RECORDS AND DEED DATED SEPTEMBER 30, 1999, RECORDED IN DEED BOOK 27847, PAGE 191, FULTON COUNTY, GEORGIA RECORDS AND DEED DATED APRIL 27, 2001, RECORDED IN DEED BOOK 30414, PAGE 538, FULTON COUNTY, GEORGIA RECORDS.

F Housing Application

N/A

G Developments of Regional Impact

N/A

H Tree Preservation

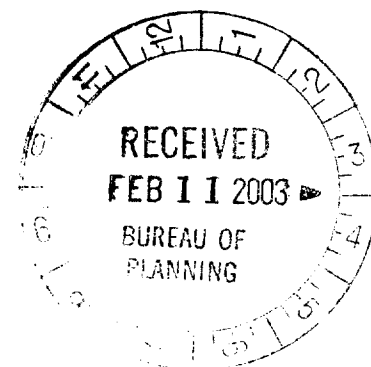
No trees will harmed, many new trees will be planted

I Comprehensive Development Plan (CDP) Amendment

To be Determined

J Disclosure

No current conflicts are present



2-03-07



RCS# 5056  
10/06/03  
2:36 PM

Atlanta City Council

Regular Session

03-O-0424            24-28-36-38-40 DANIEL ST REZONE R-5 TWO  
                      FAMILY TO RG-3-C RES GEN-SEC 3-COND  
                      ADP SUB AMEND

YEAS:    15  
NAYS:     0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED:   0  
ABSENT    0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

03-O-0424

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(Do Not Write Above This Line)

AN ORDINANCE Z-03-07  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE  
R-5 (TWO-FAMILY RESIDENTIAL)  
DISTRICT TO THE RG-3 (RESIDENTIAL  
GENERAL-SECTOR 3)  
DISTRICT, PROPERTY LOCATED AT  
24-28-36-38-40 DANIEL STREET, S.E.  
FRONTING APPROXIMATELY 260 FEET  
ON THE NORTHEASTERLY SIDE OF  
DANIEL STREET BEGINNING 156.70  
FEET SOUTHEASTERLY FROM THE  
SOUTHEAST CORNER OF EDGEWOOD  
AVENUE. DEPTH: VARIES;  
AREA: APPROXIMATELY 1 ACRE;  
LAND LOT 45, 14TH DISTRICT, FULTON  
COUNTY, GEORGIA.  
OWNER: SCOTT HARBOLT  
APPLICANT: SAME  
NPU-M COUNCIL DISTRICT 2

ADOPTED BY

OCT 06 2003

COUNCIL

- ☐ CONSENT REFER  
☒ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER

Date Referred 3/17/03

Referred To: ZRB & Zoning

First Reading

Committee  
Date  
Chair

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

OCT 06 2003

CLERK OF THE BOARD

Patricia A. Woodard

CERTIFIED

OCT 06 2003

Randy Dugheim Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Murphy

OCT 14 2003

MAYOR